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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 JONATHAN LEE RICHES,

9 Plaintiff,

10 v.

11 1-843-387-9400,

12 Defendant.

) No. C 07-6151 MJJ (PR)

) **ORDER OF DISMISSAL**

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14 Plaintiff, a federal prisoner proceeding pro se, filed this pro se complaint under 42  
15 U.S.C. § 1983 against the telephone number 1-843-387-9400.

16 A federal court must conduct a preliminary screening in any case in which a prisoner seeks  
17 redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. §  
18 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that  
19 are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary  
20 relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings  
21 must, however, be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699  
22 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential  
23 elements: (1) that a right secured by the Constitution or laws of the United States was violated, and  
24 (2) that the alleged violation was committed by a person acting under the color of state law. See  
25 West v. Atkins, 487 U.S. 42, 48 (1988).

26 Plaintiff alleges that he is receiving over 1,000 calls per day at the phone number 1-  
27 843-387-9400. He seeks an order compelling this phone number to get “caller I.D.” a “police

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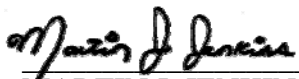
1 trace” and to change its number. The telephone number named as a defendant herein is not a  
2 “state actor” insofar as it is not an entity or individual acting under color of state law, an  
3 essential element of a § 1983 action. See Gomez v. Toledo, 446 U.S. 635, 640 (1980).  
4 Accordingly, plaintiff has failed to state a cognizable claim for relief under § 1983.

5 For the foregoing reasons, this action is DISMISSED.

6 The Clerk shall close the file.

7 IT IS SO ORDERED.

8 DATED: December 20, 2007

  
MARTIN J. JENKINS  
United States District Judge

United States District Court  
For the Northern District of California